

Application No.: 10/383,372
Attorney Docket No.: 25052A

REMARKS

Support for the above-requested amendments to claim 1 is found at least on page 6, lines 17 – 23, page 7, lines 6 – 10, page 8, lines 11 – 15, and Figure 1. Claims 3, 17, 20, and 37 have been amended to clarify the claims and/or to correct inadvertent typographical errors. Claim 8 has been amended to place claim 8 in independent form. Support for the amendments to claim 18 is found at least at page 7, lines 17 – 23. Support for the amendments to claim 19 is found at least at page 7, lines 17 – 23, page 10, lines 10 – 13, and Figure 5. Support for new claim 38 is found at least at page 4, lines 23 – 25 and page 6, lines 6 – 18. Support for new claims 39 and 40 is found at least at page 6, line 24 to page 7, line 1. New claims 41 and 42 are supported at least by page 8, lines 16 – 25. Support for new claim 43 is found at least at page 8, lines 7 – 11. Support for new claims 44 and 45 is found at least at page 7, lines 6 – 18. Claims 22 – 36 have been canceled without prejudice.

No question of new matter arises and entry of the amendments and new claims is respectfully requested.

Claims 1 – 21 and 37 – 45 are before the Examiner for consideration.

Formal Matter

As shown above, Applicants have added new claims 38 – 45 by amendment. Because claims 22 – 36 have been canceled without prejudice (*i.e.*, 16 claims in total) and claims 38 – 45 have been added (*i.e.*, 8 claims in total), the total number of claims Applicants are submitting for examination is not greater than the total number of claims previously presented and paid for (*i.e.*, 37 claims). Applicants, therefore, respectfully submit that no additional filing fees are required for newly added claims 38 – 45. In addition, Applicants respectfully submit that there are no fees required for new independent claim 38 because the total number of independent claims present in the application (*i.e.*, three independent claims) does not exceed the total amount of independent claims previously paid for (*i.e.*, three independent claims). Furthermore, because support for newly added claims 38 – 45 is found in throughout the specification, as identified in the opening paragraph of the Remarks, Applicants respectfully submit that these newly added claims do not contain any new matter.

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Rejection under 35 U.S.C. §102(b)

Claims 1, 4 - 7, 9 - 10, 14 and 17 - 19 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,456,872 to Ahrweiler ("Ahrweiler"). The Examiner asserts that Ahrweiler teaches a method for producing a more or less inherently rigid laminate material for use as a surface covering or the like by reusing plastic trimmings. It is the Examiner's interpretation that the laminate material and the plastic waste trimmings of Ahrweiler equate, respectfully, to the presently claimed blanket and polymeric fibrous pieces.

In response to this rejection, Applicants respectfully direct the Examiner's attention to the amendments made to independent claim 1 and submit that claim 1, as amended, defines a compressible, flexible, polymer fiber blanket that is not taught (or suggested) by Ahrweiler. As amended, claim 1 discloses a compressible, flexible, polymer fiber blanket that includes a plurality of polymeric fibrous pieces bonded together by heat and compression to form a bonded, single layer of the fibrous pieces, where the layer of fibrous pieces has a density from about 8.0 to 80.0 kg/m³.

Ahrweiler, on the other hand, teaches a method for producing a more or less inherently rigid laminate material by reusing waste plastic trimmings. (*See, e.g.*, column 1, lines 40 - 43). One portion of the textile fibers form a filler layer and the fiber sections situated on the outer laminate surface or in the zones near the surface are melted together and form the base or supporting layer of the laminate material. (*See, e.g.*, column 3, lines 24 - 30). Accordingly, the laminate material has at least a two-layer structure. (*See, e.g.*, column 3, lines 30 - 31). There is no teaching (or suggestion) within Ahrweiler of a compressible, flexible, polymer fiber blanket that includes a plurality of polymeric fibrous pieces bonded together to form a uniform, single layer of the fibrous pieces. In addition, Ahrweiler is silent as to any disclosure of the density of the laminate material. In order to be an anticipatory reference, each and every element of the claimed invention must be found within the four corners of the cited reference. Because Ahrweiler does not teach or suggest the combination of features required by independent claim 1, Ahrweiler cannot be an anticipatory reference. Likewise, Ahrweiler cannot anticipate claims 4 - 7, 9 - 10, 14 and 17 - 19, which directly or indirectly depend from independent claim 1.

In view of the above, Applicants submit that claims 1, 5 - 7, 9 - 10, 14 and 17 - 19 are not anticipated by Ahrweiler and respectfully request that the Examiner reconsider and withdraw this rejection.

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Rejection under 35 U.S.C. §102/§103

Claims 11 - 13 and 15 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,456,872 to Ahrweiler ("Ahrweiler") or, in the alternative, under 35 U.S.C. §103(a) as obvious over Ahrweiler. The Examiner admits that Ahrweiler does not explicitly teach the claimed wet compression, dry compression or the dry wet recovery properties. The Examiner concludes, however, that such properties are inherent in the material of Ahrweiler. With respect to claim 15, the Examiner asserts that Ahrweiler discloses the claimed invention except for the secondary layer. The Examiner concludes that bonding a second polymer blanket to the structure would have been obvious to one of ordinary skill in the art.

In response to this rejection, Applicants respectfully direct the Examiner's attention to the amendments made to independent claim 1 and to the arguments presented above and submit that amended claim 1 defines a compressible, flexible, polymer fiber blanket that is not taught or suggested within Ahrweiler. In particular, Applicants submit that Ahrweiler does not teach or suggest a compressible, flexible, polymer fiber blanket that includes a plurality of polymeric fibrous pieces bonded together by heat and compression to form a bonded, single layer of the fibrous pieces. As discussed above, Ahrweiler teaches a method for producing a more or less inherently rigid laminate material by reusing plastic trimmings. (See, e.g., column 1, lines 40 - 42). One portion of the textile fibers form a filler layer and the fiber sections situated on the outer laminate surface or in the zones near the surface are melted together and form the base or supporting layer of the laminate material. (See, e.g., column 3, lines 24 - 30). Accordingly, the laminate material has at least a two-layer structure. (See, e.g., column 3, lines 30 - 31). Ahrweiler additionally discloses that a three layer laminate structure is generally formed. (See, e.g., column 3, lines 31 - 35). Ahrweiler, therefore, fails to teach or suggest a compressible, flexible, polymer fiber blanket formed of bonded individual polymeric fibrous pieces formed in a single layer by heat and compression as claimed in amended claim 1. Further, Applicants respectfully submit that Ahrweiler teaches away from such a single layer of bonded polymeric fibrous pieces. Therefore, Applicants submit that one of skill in the art would not arrive at the presently claimed invention based on the teachings of Ahrweiler. In fact, Applicants submit that one ordinarily

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skilled in the art would be drawn away from forming a single layered structure based on the teachings of Ahrweiler.

Further, Applicants respectfully submit that there is no motivation for one of skill in the art to arrive at the invention recited in amended claim 1 based on the teachings of Ahrweiler. To establish a *prima facie* case of obviousness, there must be some motivation, either within the reference or in the knowledge of those of skill in the art, to modify the reference or combine the references' teachings, there must be a reasonable expectation of success, and the prior art references must meet all of the claim limitations. (*See, e.g., Manual of Patent Examining Procedure*, Patent Publishing, LLC, Eighth Ed., Rev. 3, August 2005, §2142). One of ordinary skill in the art simply would not be motivated to form a compressible, flexible, polymer fiber blanket that includes a plurality of polymeric fibrous pieces bonded together by heat and compression to form a bonded, single layer of the fibrous pieces. Ahrweiler specifically teaches a laminate structure having at least two layers. (*See, e.g.,* column 3, lines 30 – 31). Without some teaching or suggestion, there can be no motivation, and without motivation, there can be no *prima facie* case of obviousness.

In view of the above, Applicants submit that claim 1 is non-obvious and patentable. With respect to claims 11 - 13 and 15, Applicants submit that because independent claim 1 is not taught by or suggested within Ahrweiler and because claims 11 - 13 and 15 are directly or indirectly dependent upon independent claim 1 and contain the same elements as claim 1, dependent claims 11 - 13 and 15 are also not taught by or suggested by Ahrweiler. Thus, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Rejection of Claims 2 and 3 under 35 U.S.C. §103(a)

Claims 2 and 3 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,456,872 to Ahrweiler ("Ahrweiler") in view of U.S. Patent No. 6,630,046 B1 to Plotz ("Plotz"). The Examiner cites Plotz for teaching that staple and bicomponent fibers are structures known in the art of wall and floor coverings. The Examiner concludes that the product of Ahrweiler would comprise the claimed fibers once it uses the waste material from the surface coverings taught by Plotz.

In response to this rejection, Applicants respectfully direct the Examiner's attention to the amendments made to independent claim 1 and to the arguments presented above and submit that amended claim 1 defines a compressible, flexible, polymer fiber blanket that is

not taught or suggested within either Ahrweiler or Plotz. In particular, Applicants submit that neither Ahrweiler nor Plotz teach or suggest a compressible, flexible, polymer fiber blanket that includes a plurality of polymeric fibrous pieces bonded together by heat and compression to form a bonded, single layer of the fibrous pieces. As discussed above, Ahrweiler teaches a method for producing a more or less inherently rigid laminate material by reusing plastic trimmings. (See, e.g., column 1, lines 40 - 42). One portion of the textile fibers form a filler layer and the fiber sections situated on the outer laminate surface or in the zones near the surface are melted together and form the base or supporting layer of the laminate material. (See, e.g., column 3, lines 24 - 30). Accordingly, the laminate material has at least a two-layer structure. (See, e.g., column 3, lines 30 - 31). Ahrweiler additionally discloses that generally a three layer laminate structure is formed. (See, e.g., column 3, lines 31 - 35). Plotz teaches a method of making wall and floor coverings based on a carrier that includes a fiberglass mat and a non-woven mat needled together, with one or more layers coated on the glass side of the carrier. (See, e.g., Abstract). Both Ahrweiler and Plotz fail to teach or suggest a compressible, flexible, polymer fiber blanket formed of bonded individual polymeric fibrous pieces formed in a single layer by heat and compression as required by claim 1. In addition, Applicants submit that Plotz adds nothing to the teachings of Ahrweiler to remove the deficiencies of Ahrweiler, namely, the teaching of a compressible, flexible polymer fiber blanket formed of a single, uniform layer of bonded individual fibrous pieces.

Additionally, Applicants respectfully submit that Ahrweiler teaches away from such a single, uniform layer of bonded polymeric fibrous pieces. As such, Applicants submit that one of skill in the art would not arrive at the presently claimed invention based on the teachings of Ahrweiler. In fact, Applicants submit that one ordinarily skilled in the art would be drawn away from forming a single layered structure based on the teachings of Ahrweiler.

Further, Applicants respectfully submit that there is no motivation for one of skill in the art to arrive at the invention recited in amended claim 1 based on the teachings of Ahrweiler and/or Plotz. As discussed previously, in order to establish a *prima facie* case of obviousness, there must be some motivation, either within the reference or in the knowledge of those of skill in the art, to modify the reference or combine the references' teachings, there must be a reasonable expectation of success, and the prior art references must meet all of the claim limitations. (See, e.g., *Manual of Patent Examining Procedure*, Patent Publishing, LLC, Eighth Ed., Rev. 3, August 2005, §2142). Applicants submit that one of ordinary skill

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in the art simply would not be motivated to form a compressible, flexible, polymer fiber blanket that includes a plurality of polymeric fibrous pieces bonded together by heat and compression to form a bonded, single layer of the fibrous pieces based on the disclosures of Ahrweiler and Plotz. Without some teaching or suggestion, there can be no motivation, and without motivation, there can be no *prima facie* case of obviousness.

In view of the above, Applicants submit that claim 1 is non-obvious and patentable. With respect to claims 2 and 3, Applicants submit that because independent claim 1 is not taught by or suggested within Ahrweiler and/or Plotz and because claims 2 and 3 are either directly or indirectly dependent upon independent claim 1 and contain the same elements as claim 1, dependent claims 2 and 4 are also not taught by or suggested by Ahrweiler and Plotz. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

Rejection of Claims 20 and 21 under 35 U.S.C. §103(a)

Claims 20 and 21 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,456,872 to Ahrweiler ("Ahrweiler") in view of U.S. Patent No. 5,554,830 to Muller, *et al.* ("Muller"). The Examiner asserts that Muller is directed to a noise-transmission-reducing covering that includes an insulating barrier that is water-impermeable. The Examiner concludes that it would have been obvious to modify the laminate material of Ahrweiler to provide it with an insulating barrier layer as disclosed by Muller.

In response to this rejection, Applicants respectfully direct the Examiner's attention to the amendments made to independent claim 1 and to the arguments presented above and submit that amended claim 1 defines a compressible, flexible, polymer fiber blanket that is not taught or suggested within Ahrweiler or Muller. In particular, Applicants submit that neither Ahrweiler nor Muller teach or suggest a compressible, flexible, polymer fiber blanket that includes a plurality of polymeric fibrous pieces bonded together by heat and compression to form a bonded, single layer of the fibrous pieces. As discussed above, Ahrweiler teaches a method for producing a more or less inherently rigid laminate material by reusing plastic trimmings. (*See, e.g.*, column 1, lines 40 - 42). One portion of the textile fibers form a filler layer and the fiber sections situated on the outer laminate surface or in the zones near the surface are melted together and form the base or supporting layer of the laminate material.

(See, e.g., column 3, lines 24 – 30). Accordingly, the laminate material has at least a two-layer structure. (See, e.g., column 3, lines 30 – 31). Ahrweiler additionally discloses that generally a three layer laminate structure is formed. (See, e.g., column 3, lines 31 – 35). Muller teaches a method in which both the carpet covering and the dense layer of insulation composite are configured as air-permeable layers to heighten the sound absorption. (See, e.g., column, lines 58 – 64). In a preferred embodiment, a water impermeable barrier layer capable of diffusing water vapor is provided. (See, e.g., column 3, lines 18 – 24 and column 5, lines 7 – 9). Ahrweiler and Muller fail to teach or suggest a compressible, flexible, polymer fiber blanket formed of bonded individual polymeric fibrous pieces formed in a single layer by heat and compression as required by claim 1. In addition, Applicants submit that Muller adds nothing to the teachings of Ahrweiler to remove the deficiencies of Ahrweiler, namely, the teaching of a compressible, flexible polymer fiber blanket formed of a single uniform layer of bonded individual fibrous pieces.

Additionally, Applicants respectfully submit that Ahrweiler teaches away from such a single layer of bonded polymeric fibrous pieces. Therefore, Applicants submit that one of skill in the art would not arrive at the presently claimed invention based on the teachings of Ahrweiler. In fact, Applicants submit that one ordinarily skilled in the art would be drawn away from forming a single layered structure based on the teachings of Ahrweiler.

Further, Applicants respectfully submit that there is no motivation for one of skill in the art to arrive at the invention recited in claim 1 based on the teachings of Ahrweiler and Muller. As discussed previously, in order to establish a *prima facie* case of obviousness, there must be some motivation, either within the reference or in the knowledge of those of skill in the art, to modify the reference or combine the references' teachings, there must be a reasonable expectation of success, and the prior art references must meet all of the claim limitations. (See, e.g., *Manual of Patent Examining Procedure*, Patent Publishing, LLC, Eighth Ed., Rev. 3, August 2005, §2142). Applicants submit that one of ordinary skill in the art simply would not be motivated to form a compressible, flexible, polymer fiber blanket that includes a plurality of polymeric fibrous pieces bonded together by heat and compression to form a bonded, single layer of the fibrous pieces based on the disclosures of Ahrweiler and Muller. Without some teaching or suggestion, there can be no motivation, and without motivation, there can be no *prima facie* case of obviousness.

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In view of the above, Applicants submit that claim 1 is non-obvious and patentable. With respect to claims 20 and 21, Applicants submit that because independent claim 1 is not taught by or suggested within Ahrweiler and Muller and because claims 20 and 21 are either directly or indirectly dependent upon independent claim 1 and contain the same elements as claim 1, dependent claims 20 and 21 are also not taught by or suggested within Ahrweiler and Muller. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

CONCLUSION

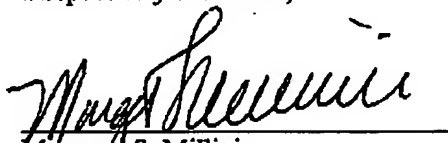
In light of the above, Applicants believe that this application is now in condition for allowance and therefore request favorable consideration. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 50-0568 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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